



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

HB4427

Introduced 1/6/2006, by Rep. Daniel V. Beiser

SYNOPSIS AS INTRODUCED:

730 ILCS 5/3-3-2

from Ch. 38, par. 1003-3-2

Amends the Unified Code of Corrections. Requires the Prisoner Review Board to provide written notification to the municipal police chief and county sheriff of any release on parole or mandatory supervised release of any prisoner who has been convicted of a sex offense or violent crime if the parolee or releasee is to be paroled or released into that municipality and county under the jurisdiction of the municipal police chief and county sheriff. Provides that the written notification shall, when possible, be given at least 14 days before release of the prisoner on parole or mandatory supervised release, or as soon thereafter as possible. Provides that this notification is not required if notification is required under any other provision of law.

LRB094 15757 RLC 50970 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning criminal law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Unified Code of Corrections is amended by
5 changing Section 3-3-2 as follows:

6 (730 ILCS 5/3-3-2) (from Ch. 38, par. 1003-3-2)

7 Sec. 3-3-2. Powers and Duties.

8 (a) The Parole and Pardon Board is abolished and the term
9 "Parole and Pardon Board" as used in any law of Illinois, shall
10 read "Prisoner Review Board." After the effective date of this
11 amendatory Act of 1977, the Prisoner Review Board shall provide
12 by rule for the orderly transition of all files, records, and
13 documents of the Parole and Pardon Board and for such other
14 steps as may be necessary to effect an orderly transition and
15 shall:

16 (1) hear by at least one member and through a panel of
17 at least 3 members decide, cases of prisoners who were
18 sentenced under the law in effect prior to the effective
19 date of this amendatory Act of 1977, and who are eligible
20 for parole;

21 (2) hear by at least one member and through a panel of
22 at least 3 members decide, the conditions of parole and the
23 time of discharge from parole, impose sanctions for
24 violations of parole, and revoke parole for those sentenced
25 under the law in effect prior to this amendatory Act of
26 1977; provided that the decision to parole and the
27 conditions of parole for all prisoners who were sentenced
28 for first degree murder or who received a minimum sentence
29 of 20 years or more under the law in effect prior to
30 February 1, 1978 shall be determined by a majority vote of
31 the Prisoner Review Board;

32 (3) hear by at least one member and through a panel of

1 at least 3 members decide, the conditions of mandatory
2 supervised release and the time of discharge from mandatory
3 supervised release, impose sanctions for violations of
4 mandatory supervised release, and revoke mandatory
5 supervised release for those sentenced under the law in
6 effect after the effective date of this amendatory Act of
7 1977;

8 (3.5) hear by at least one member and through a panel
9 of at least 3 members decide, the conditions of mandatory
10 supervised release and the time of discharge from mandatory
11 supervised release, to impose sanctions for violations of
12 mandatory supervised release and revoke mandatory
13 supervised release for those serving extended supervised
14 release terms pursuant to paragraph (4) of subsection (d)
15 of Section 5-8-1;

16 (4) hear by at least 1 member and through a panel of at
17 least 3 members, decide cases brought by the Department of
18 Corrections against a prisoner in the custody of the
19 Department for alleged violation of Department rules with
20 respect to good conduct credits pursuant to Section 3-6-3
21 of this Code in which the Department seeks to revoke good
22 conduct credits, if the amount of time at issue exceeds 30
23 days or when, during any 12 month period, the cumulative
24 amount of credit revoked exceeds 30 days except where the
25 infraction is committed or discovered within 60 days of
26 scheduled release. In such cases, the Department of
27 Corrections may revoke up to 30 days of good conduct
28 credit. The Board may subsequently approve the revocation
29 of additional good conduct credit, if the Department seeks
30 to revoke good conduct credit in excess of thirty days.
31 However, the Board shall not be empowered to review the
32 Department's decision with respect to the loss of 30 days
33 of good conduct credit for any prisoner or to increase any
34 penalty beyond the length requested by the Department;

35 (5) hear by at least one member and through a panel of
36 at least 3 members decide, the release dates for certain

1 prisoners sentenced under the law in existence prior to the
2 effective date of this amendatory Act of 1977, in
3 accordance with Section 3-3-2.1 of this Code;

4 (6) hear by at least one member and through a panel of
5 at least 3 members decide, all requests for pardon,
6 reprieve or commutation, and make confidential
7 recommendations to the Governor;

8 (7) comply with the requirements of the Open Parole
9 Hearings Act;

10 (8) hear by at least one member and, through a panel of
11 at least 3 members, decide cases brought by the Department
12 of Corrections against a prisoner in the custody of the
13 Department for court dismissal of a frivolous lawsuit
14 pursuant to Section 3-6-3(d) of this Code in which the
15 Department seeks to revoke up to 180 days of good conduct
16 credit, and if the prisoner has not accumulated 180 days of
17 good conduct credit at the time of the dismissal, then all
18 good conduct credit accumulated by the prisoner shall be
19 revoked; ~~and~~

20 (9) hear by at least 3 members, and, through a panel of
21 at least 3 members, decide whether to grant certificates of
22 relief from disabilities or certificates of good conduct as
23 provided in Article 5.5 of Chapter V; and -

24 (10) provide written notification to the municipal
25 police chief and county sheriff of any release on parole or
26 mandatory supervised release of any prisoner who has been
27 convicted of a sex offense or violent crime if the parolee
28 or releasee is to be paroled or released into that
29 municipality and county under the jurisdiction of the
30 municipal police chief and county sheriff. The written
31 notification shall, when possible, be given at least 14
32 days before release of the prisoner on parole or mandatory
33 supervised release, or as soon thereafter as possible. This
34 notification is not required if notification is required
35 under any other provision of law. For purposes of this
36 paragraph (10), "sex offense" has the meaning ascribed to

1 it in Section 2 of the Sex Offender Registration Act and
2 "violent crime" has the meaning ascribed to it in Section 3
3 of the Rights of Crime Victims and Witnesses Act.

4 (a-5) The Prisoner Review Board, with the cooperation of
5 and in coordination with the Department of Corrections and the
6 Department of Central Management Services, shall implement a
7 pilot project in 3 correctional institutions providing for the
8 conduct of hearings under paragraphs (1) and (4) of subsection
9 (a) of this Section through interactive video conferences. The
10 project shall be implemented within 6 months after the
11 effective date of this amendatory Act of 1996. Within 6 months
12 after the implementation of the pilot project, the Prisoner
13 Review Board, with the cooperation of and in coordination with
14 the Department of Corrections and the Department of Central
15 Management Services, shall report to the Governor and the
16 General Assembly regarding the use, costs, effectiveness, and
17 future viability of interactive video conferences for Prisoner
18 Review Board hearings.

19 (b) Upon recommendation of the Department the Board may
20 restore good conduct credit previously revoked.

21 (c) The Board shall cooperate with the Department in
22 promoting an effective system of parole and mandatory
23 supervised release.

24 (d) The Board shall promulgate rules for the conduct of its
25 work, and the Chairman shall file a copy of such rules and any
26 amendments thereto with the Director and with the Secretary of
27 State.

28 (e) The Board shall keep records of all of its official
29 actions and shall make them accessible in accordance with law
30 and the rules of the Board.

31 (f) The Board or one who has allegedly violated the
32 conditions of his parole or mandatory supervised release may
33 require by subpoena the attendance and testimony of witnesses
34 and the production of documentary evidence relating to any
35 matter under investigation or hearing. The Chairman of the
36 Board may sign subpoenas which shall be served by any agent or

1 public official authorized by the Chairman of the Board, or by
2 any person lawfully authorized to serve a subpoena under the
3 laws of the State of Illinois. The attendance of witnesses, and
4 the production of documentary evidence, may be required from
5 any place in the State to a hearing location in the State
6 before the Chairman of the Board or his designated agent or
7 agents or any duly constituted Committee or Subcommittee of the
8 Board. Witnesses so summoned shall be paid the same fees and
9 mileage that are paid witnesses in the circuit courts of the
10 State, and witnesses whose depositions are taken and the
11 persons taking those depositions are each entitled to the same
12 fees as are paid for like services in actions in the circuit
13 courts of the State. Fees and mileage shall be vouchered for
14 payment when the witness is discharged from further attendance.

15 In case of disobedience to a subpoena, the Board may
16 petition any circuit court of the State for an order requiring
17 the attendance and testimony of witnesses or the production of
18 documentary evidence or both. A copy of such petition shall be
19 served by personal service or by registered or certified mail
20 upon the person who has failed to obey the subpoena, and such
21 person shall be advised in writing that a hearing upon the
22 petition will be requested in a court room to be designated in
23 such notice before the judge hearing motions or extraordinary
24 remedies at a specified time, on a specified date, not less
25 than 10 nor more than 15 days after the deposit of the copy of
26 the written notice and petition in the U.S. mails addressed to
27 the person at his last known address or after the personal
28 service of the copy of the notice and petition upon such
29 person. The court upon the filing of such a petition, may order
30 the person refusing to obey the subpoena to appear at an
31 investigation or hearing, or to there produce documentary
32 evidence, if so ordered, or to give evidence relative to the
33 subject matter of that investigation or hearing. Any failure to
34 obey such order of the circuit court may be punished by that
35 court as a contempt of court.

36 Each member of the Board and any hearing officer designated

1 by the Board shall have the power to administer oaths and to
2 take the testimony of persons under oath.

3 (g) Except under subsection (a) of this Section, a majority
4 of the members then appointed to the Prisoner Review Board
5 shall constitute a quorum for the transaction of all business
6 of the Board.

7 (h) The Prisoner Review Board shall annually transmit to
8 the Director a detailed report of its work for the preceding
9 calendar year. The annual report shall also be transmitted to
10 the Governor for submission to the Legislature.

11 (Source: P.A. 93-207, eff. 1-1-04; 94-165, eff. 7-11-05.)